

REMARKS

The Examiner has required that the present application be restricted, under 35 U.S.C. §§ 121 and 372, to one of the following five groups of claims:

- Group I: Claims 1-21, 35, 57-61, drawn to methods of obtaining a pluripotent human blastocyst-derived stem cell line, methods of propagating the stem cell line, the stem cell line, and a kit;
- Group II: Claims 22-28, 36-49, 55, 56, drawn to methods of differentiating blastocyst-derived stem cells into insulin-producing cells, cells produced by the method;
- Group III: Claim 29, drawn to a preparation of differentiated cells for preventing or treating pathologies or diseases caused by tissue degeneration;
- Group IV: Claims 30-32, 50-52 drawn to preparations of differentiated cells to be used for prevention or treatment of diseases of the pancreas; and
- Group V: Claims 33-34, 53, 54 drawn to preparations of differentiated cells in preventing or treating pathologies or diseases in the nervous system.

Applicants hereby elect *with traverse* the invention defined by the Examiner as Group 1, claims 1-21, 35, 57-61, drawn to methods of obtaining a pluripotent human blastocyst-derived stem cell line, methods of propagating the stem cell line, the stem cell line, and a kit.

Applicants traverse for at least the following reasons. Applicants respectfully assert that the inventions of Groups I-V should be examined together.

Applicants respectfully submit that the inventions of Groups I-V are closely related and that a proper search of any of the claims should, by necessity, require a proper search of the others. All of the claims of Groups I-V concern the present stem cell line and differentiated cells for same. Thus, Applicants submit that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Regardless of whether the four inventions are independent or distinct, Applicants respectfully assert that the Examiner need not have restricted the application. MPEP § 803 requires that "[i]f the search and examination of an entire

application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Therefore, it is not mandatory to make a restriction requirement in all situations where it would be deemed proper.

In the interest of economy, for the Office, for the public-at-large, and for Applicants, reconsideration and withdrawal of the restriction requirement are requested. The election has been made without prejudice or disclaimer to any of the non-elected subject matter, and Applicants expressly reserve the right to file one or more continuation and/or divisional applications directed to any of the non-elected subject matter.

With regard to the species election, as set forth on pages 4-6 of the Office Action, Applicants note that the Examiner indicates claim 33 as generic, and requests the election of a species of disease state as delineated in claim 34. Applicants note that these claims fall within Group V (claims 33-34, 53, and 53). Upon rejoinder of Group V to elected Group I, Applicants will elect a species for purposes of searching.

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited. The Examiner is invited to contact the undersigned at 703-838-6563, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,

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Date: January 12, 2007

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